

medicine he is doing so in open violation of the law, and should be arrested. There can be no argument or discussion; it is not a matter of opinion, but a matter of fact. Sympathy does not enter into the question, nor should friendship; nor does personal animus. The public, whose servants we are, should be protected; every man who is violating laws intended for the public protection, should be arrested, and that promptly.

For many reasons the work of the Board in prosecuting illegal practitioners has been slow.

ENFORCE THE LAW.

Every trick of the law has been used to interfere with the work; and this by those who should be with us and not against us, as well as by the recognized quack. But on the whole, good progress has been made and the law is by no means a dead letter. The contention that the law should not be enforced simply because its constitutionality has been questioned, is absolutely absurd. The law remains until it is wiped out, and the mere fact that the Supreme Court is considering its constitutionality does not legalize the status of the illegal practitioner. Practically all of the corporations, railroads, steamship companies and health boards have recognized the value of enforcing the law, and have, at the request of the Board, dismissed illegal practitioners. Two exceptions may be noted. One is the Equitable Life Assurance Co., whose medical referee in this locality is an unlicensed physician. The matter was called to the attention of the company, but it is reported that they have decided to do nothing in the matter, taking the ground that this physician does not practice medicine and so does not come within the provisions of the law. This may be technically correct, but is it professionally and ethically right? Does it gratify your sense of right dealing to contemplate this lack of respect toward the standards which you have said shall apply to medical men in your state? Is this corporation so big, so powerful, so rich, so influential in this state that it can with safety and immunity disregard the respectful behest of your representatives—the men you have chosen to stand for you in the protection of the public and the enforcement of the law? Think about it. It is the principle involved, the support given to other persons who are not licensed, and who do practice medicine—illegally.

In a state institution presided over by the president of one of our county medical societies, is a physician who has no license to practice. Here is a man who is employed by the state and is caused, by virtue of such employment, to violate a state law! The state aiding and abetting in the open and continuous violation of its own

law! That is certainly a good (?) example to set. The Board of Examiners notified the proper state officials, but the request that the law be enforced was ignored. In some correspondence relating to the prosecution of another illegal practitioner, occurs the following quotation from a letter written by the superintendent of the institution above referred to, to the district attorney of another county:

"Further, one of the graduates of the P. & S. is one of my assistant physicians in the ———. A complaint was made to the Governor and to the State Lunacy Commissioner against him. This man wrote to the President of the Board of Medical Examiners a letter of inquiry simply asking when the next meeting of their Board would take place. * * * He went before the Board, took the examination and was turned down. The matter was referred to the Lunacy Commission at which session there was present Dr. F. W. Hatch, Superintendent of State Hospitals; W. S. Melick, Secretary of State Board of Examiners representing the Governor; U. S. Webb, Attorney General, and C. F. Curry, Secretary of State; also Dr. N. K. Foster, Secretary of State Board of Health. Their decision was that inasmuch as the constitutionality of the law had been called in question and the matter was before the Supreme Court for adjudication that the matter be left 'statu quo' until that decision was rendered."

That seems to be truly a Solonic decision! On the same line of reasoning it would seem possible to commit all the murders you cared to, should some one only question the constitutionality of the criminal law. There's aid and encouragement, with a vengeance!

Either the law should be upheld or it should be done away with. If it is good, then you should aid in carrying it out and enforcing it, and not allow obstacles to be placed in the way of those who endeavor to do their duty. The fact that a conviction has been secured in every case prosecuted before a jury by the Board, is evidence that its method of procedure is both good sense and good law. It seems almost unbelievable, but the Board reports that its work has been hindered very greatly by licensed members of the profession. Some of these, by letters and verbal requests, and through professional and political influence, have endeavored to upset the work of the Board and prevent certain arrests and prosecutions. Is this sort of thing fair or right? Are you going to tolerate it? If you are—if you are going to permit of "exceptions"—then let us try to do away with the law altogether. In at least one instance several men of prominence in the community, professors in medical colleges, a State

HELP OR HINDRANCE.

THE OTHER EXCEPTION.

official and even a *member of the Board itself*, went so far as to suggest measures by which the ends of the law could be defeated; and this in spite of the overwhelming evidence in the hands of the Board, and the confession of the defendant! Does that meet with your approval? A member of the Board—a man appointed to carry out the law—one sworn to obey the law and safeguard the interests of the people of California, actually suggesting how the law might be infringed! Would it not be a nice state of affairs if all the members were of the same stripe? There is another thing. Some doctors are aiding illegal practitioners to evade the law by harboring them in their offices, or using them as cappers, and in case of arrest go into court and swear that the defendant is merely a student or office assistant. The courts of many states have decided that the only professional position open to an illegal practitioner is that of hospital interne. Does this sort of thing meet with your approval? It certainly has not found favor with juries in San Francisco.

Elsewhere in this issue the subject of State Society Journals is discussed at some length. If one may judge of the general feeling throughout the state by the expressions that various members of some fifteen county societies have made to the editor, California physicians decidedly approve of the journal plan. The question will soon confront the newly amalgamated New York Society. At last the obstructionists in that State, in both the Society and the Association, have given way, and union will be an accomplished fact very soon—as soon as the county organizations can act, and many of them have already ratified the agreement. Shall the Society then carry on the Association's journal? The *Buffalo Medical Journal* discusses the question, in a recent issue, and urges that the journal (of the Association) be discontinued and the old series of annual transactions (of the Society) kept up. The Society has published its Transactions for nearly a hundred years and this seems to be the principal argument for continuing to do so, and ceasing to publish the journal. It is also claimed that copies of a journal become lost or destroyed and then members have not a complete record. The further question of greater expense is about the only other argument adduced to support the plea for discontinuing the journal, when the Society shall have absorbed the Association. How puerile these arguments seem, when compared with the reasons for a State Society publishing a journal! It is reasonably safe to say that the New York Association could not have attained nearly the size, and the influence which it has secured, without its journal. It is also safe and conservative to prophesy that the profession in that State will

not be well or fully organized if the journal is discontinued. Twelve messages a year to each member are worth a whole lot more than one; more than twelve times as much as one delayed volume of "Transactions" which nobody thinks of reading. They may look well on the library shelves—but so does a file of bound journals. There does not seem to be any good reason why the volumes of journals cannot be bound and added to the "nearly one hundred volumes of Transactions." Certainly, in the State Society journal one does not find a *paid reading* notice following a grave editorial in the editorial pages, as is the case in the very journal making the argument against State Journals, the *Buffalo Medical Journal*.

One of the important matters to come before the State Society at the Paso Robles meeting will be an invitation to the American Medical Association to hold its sessions in California next year. Oregon and Washington are also making overtures in the same direction, and the *Journal of the A. M. A.* has editorially referred to Oregon's proposed invitation, stating but little probability exists that the meeting will be held on the Coast for some years to come. The objections given do not appeal to the JOURNAL as reasonable. One is that the distance is too great and the time necessary to make the trip cannot be spared by the busy Eastern doctors. By careful computation it may be demonstrated that the distance from the Missouri to the Pacific Coast is practically the same as from the Pacific Coast to the Missouri; and while it is true that more members of the Association live to the eastward than out this way, it cannot be proved that their time is of greater value than is that of the Westerners. If a Chicago man, for instance, cannot spare the time to attend the meetings of the A. M. A., he would be as unlikely to visit the Atlantic Coast as the Pacific. A cordial and hearty invitation to the Association to come out to the land of sunshine and flowers would be accepted by hundreds who know the delights of a sojourn here through experience, and by other hundreds who would be glad of an opportunity to come.

A most aggravating case of malpractice suit without reasonable foundation in fact, based upon ridiculous claims and supported by testimony and "expert evidence" of all sorts—though mostly bad—has pestered a member of the Society for more than five years. At the first trial, the jury stood eight for defendant and four for plaintiff. At the second trial the defendant won. But appeal was taken and the Supreme Court has